

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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**RYAN CAMBRELEN,**

**Petitioner,**

**- against -**

**03 CV 0248 (NG)**

**ORDER**

**UNITED STATES OF AMERICA,**

**Respondent.**

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**GERSHON, United States District Judge:**

Petitioner, proceeding *pro se*, moves pursuant to Rule 60(b) of the Federal Rules of Civil Procedure to preserve the right to collaterally attack the constitutionality of his sentence under *United States v. Booker*, 125 S.Ct. 738 (2005). The Second Circuit has held that *Booker* does not apply retroactively to such a collateral challenge. *See Green v. United States*, 397 F.3d 101, 103 (2d Cir. 2005). Accordingly, petitioner's application is denied.

**SO ORDERED.**

/s/ Nina Gershon  
**NINA GERSHON**  
**United States District Judge**

**Dated: November 23, 2005**  
**Brooklyn, New York**